United Nations E/2008/SR.44

Economic and Social Council

Provisional

3 October 2008

Original: English

Substantive session of 2008
General segment

Provisional summary record of the 44th meeting
Held at Headquarters, New York, on Friday, 25 July 2008, at 10 a.m.

President: Mr. Hoscheit (Vice-President) ..... (Luxembourg)

Contents

Social and human rights questions (*continued*)

Implementation of and follow-up to major United Nations summits (*continued*)

Coordination, programme and other questions (*continued*)

(f) Ad hoc advisory groups on African countries emerging from conflict (*continued*)

Economic and environmental questions (*continued*)

(g) Public administration and development (*continued*)

Social and human rights questions (*continued*)

(a) Advancement of women (*continued*)

(e) United Nations High Commissioner for Refugees (*continued*)

(g) Human rights (*continued*)

(h) Permanent Forum on Indigenous Issues (*continued*)

United Nations research and training institutes (*continued*)

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan (*continued*)

Implementation of and follow-up to major United Nations conferences and summits (*continued*)

(b) Review and coordination of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 (*continued*)

Corrections to this record should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent *within one week of the date of this document* to the Chief, Official Records Editing Section, room DC2-750, 2 United Nations Plaza.

08-43928 (E)

In the absence of Mr. Mérorès (Haiti), Mr. Hoscheit (Luxembourg), Vice-President, took the Chair.

The meeting was called to order at 10.05 a.m.

Social and human rights questions (*continued*) (E/2007/76; E/2008/L.31)

Draft resolution entitled "Strengthening coordination of the United Nations and other efforts in fighting trafficking in persons" (E/2008/L.31)

1. **Mr. Rachkov** (Belarus), introducing the draft resolution, said that China, Ecuador, Japan, Kazakhstan, Mexico, the Philippines and the Russian Federation had become sponsors. He read out a series of revisions: the words "that fosters all forms of exploitation of persons, especially women and children, and that thus promotes trafficking" should be added at the end of the eleventh preambular paragraph; the word "within" should be deleted from paragraph 1; the words "human trafficking" should be replaced by "trafficking in persons" in paragraph 3; "(UN.GIFT)" should be added after "the United Nations Global Initiative to Fight Human Trafficking" in paragraph 9; and the word "States" should be added before "Parties" in paragraph 11.

2. **Mr. Khane** (Secretary of the Council), speaking on the programme budget implications of the draft resolution, noted that in paragraph 12, the Council reiterated its request to the Secretary-General to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandates, in conformity with its high priorities, and to provide adequate support to the Commission on Crime Prevention and Criminal Justice. He drew attention to General Assembly resolution 45/248 B, part VI, and subsequent resolutions, most recently resolution 62/236, in which the Assembly had reaffirmed that the Fifth Committee was the appropriate Main Committee of the General Assembly entrusted with responsibilities for administrative and budgetary matters; it had also reaffirmed the role of the Advisory Committee on Administrative and Budgetary Questions in that regard.

3. *Draft resolution E/2008/L.31, as orally revised, was adopted.*

4. **Mr. Heidt** (United States of America), explaining his delegation's position, said that as the resolution highlighted, the problem of human trafficking called for a comprehensive approach that addressed both demand and supply, fostered the rule of law and combated corruption. The Conference of the Parties to the United Nations Convention against Transnational Organized Crime provided a forum for cooperation in those areas through implementation of its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. The Protocol set forth a road map of minimum requirements that governments must meet in order to prevent trafficking, prosecute and convict offenders and protect and assist victims, and his delegation encouraged all Member States to be guided by it.

5. The work of multilateral organizations was integral to support for the efforts of committed governments to meet the international standards for combating human trafficking. His delegation encouraged entities such as the United Nations Office on Drugs and Crime (UNODC), the United Nations Children's Fund (UNICEF), the United Nations Development Fund for Women (UNIFEM), the Office of the United Nations High Commissioner for Refugees (UNHCR), the International Labour Organization (ILO), the International Organization for Migration (IOM) and other relevant agencies to continue their efforts to combat trafficking, focus on their core competencies and ensure that their efforts were complementary with each other and with local efforts. To that end, Member States should call on the Inter-Agency Cooperation Group Against Trafficking in Persons (ICAT) to explore, in consultation with Member States, ways for multilateral organizations to align their programmatic efforts with the goals of the Protocol in order to reduce duplication and assist governments.

Implementation of and follow-up to major United Nations summits (*continued*)

Report of the Secretary-General on the Role of the Economic and Social Council in the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits, in the light of relevant General Assembly resolutions, including resolution 61/16 (E/2008/77)

6. **The President** suggested that the Council should take note of the report of the Secretary-General on the Role of the Economic and Social Council in the integrated and coordinated implementation of and follow-up to the outcomes of the major United Nations conferences and summits, in the light of relevant General Assembly resolutions, including resolution 61/16 (E/2008/77).

7. *It was so decided.*

Coordination, programme and other questions (*continued*)

(f) Ad hoc advisory groups on African countries emerging from conflict (*continued*) (E/2008/L.34)

Draft resolution entitled "Ad Hoc Advisory Group on Guinea-Bissau" (E/2008/L.34)

8. **The President** said that the draft resolution had no programme budget implications.

9. *Draft resolution E/2008/L.34 was adopted.*

Economic and environmental questions (*continued*)

(g) Public administration and development (*continued*) (E/2008/L.30 and E/2008/L.33)

Draft decision entitled "Report of the Committee of Experts on Public Administration on its seventh session and provisional agenda for its eighth session" (E/2008/L.30)

10. **The President** said that the draft decision had no programme budget implications.

11. *Draft decision E/2008/L.30 was adopted.*

Draft resolution entitled "Report of the Committee of Experts on Public Administration on its seventh session" (E/2008/L.33)

12. **The President** said that the draft resolution had no programme budget implications.

13. *Draft resolution E/2008/L.33 was adopted.*

Social and human rights questions (*continued*) (E/2007/76)

(a) Advancement of women (*continued*) (E/2008/62, E/2008/73 and E/2008/91; E/2008/L.32)

Draft resolution entitled "Mainstreaming a gender perspective into all policies and programmes of the United Nations system" (E/2008/L.32)

14. **The President** said that the draft resolution had no programme budget implications.

15. *Draft resolution E/2008/L.32 was adopted.*

16. **Mr. Delacroix** (France), speaking on behalf of the European Union, said that adoption of the draft resolution demonstrated the Council's commitment to the issue. The European Union also welcomed the report of the Secretary-General on mainstreaming a gender perspective into all policies and programmes of the United Nations system (E/2008/53). Although he would have wished for a more thorough examination of the report's content, he was pleased that Member States had unanimously approved the recommendations contained therein and looked forward to their implementation by the United Nations system.

17. The General Assembly had reaffirmed the importance of gender mainstreaming in the United Nations system as a key tool for achieving the equality and empowerment of women and a prerequisite to achievement of the internationally agreed development goals, including the Millennium Development Goals (MDGs). He stressed the importance of section C, "Gender equality and women's empowerment" of General Assembly resolution 62/208 (on the triennial comprehensive policy review of operational activities for development of the United Nations system), which reiterated the need for the organizations of the United Nations development system to mainstream a gender perspective and to pursue gender equality and the empowerment of women in their country programmes.

18. **The President** suggested that the Council should take note of the report of the Secretary-General on future work to strengthen the International Research and Training Institute for the Advancement of Women (E/2008/62), the Report of the Executive Board of the United Nations International Research and Training Institute for the Advancement of Women on the work of its fifth session (E/2008/73) and the note by the Secretariat containing a report on the results of the fortieth session of the Committee on the Elimination of Discrimination against Women (E/2008/91).

19. *It was so decided.*

(e) United Nations High Commissioner for Refugees (*continued*) (E/2008/L.11)

Draft decision entitled "Enlargement of the Executive Committee of the Programme of the United Nations High Commissioner for Refugees" (E/2008/L.11).

20. **The President** said that the draft decision had no programme budget implications.

21. *Draft decision E/2008/L.11 was adopted.*

22. **The President** suggested that the Council should take note of the oral report delivered at its 42nd

meeting by the Deputy Director of the New York Office of the Office of the United Nations High Commissioner for Refugees (UNHCR).

23. *It was so decided.*

(g) Human rights (*continued*) (A/63/41; E/2007/22 and E/2008/76)

24. **The President** suggested that the Council should take note of the report of the Committee on Economic, Social and Cultural Rights on its thirty-sixth and thirty-seventh sessions (E/2007/22), the report of the United Nations High Commissioner for Human Rights (E/2008/76) and the report of the Committee on the Rights of the Child (A/63/41).

25. *It was so decided.*

26. **Mr. Heidt** (United States of America), speaking in exercise of the right of reply, responded to comments made by the representative of Cuba at the 42nd meeting, under the agenda item on human rights, concerning the United States Interests Section in Havana. It was his Government's policy to provide humanitarian assistance to the Cuban people and, specifically, to the families of political prisoners and to allow private American organizations to do so. Cuba had recently signed the International Covenant on Civil and Political Rights and his delegation hoped that it would soon ratify that instrument. One way for the Cuban Government to demonstrate its commitment to that instrument and to the Universal Declaration of Human Rights, the dissemination of which it currently prohibited, would be to release the more than 200 prisoners of conscience, both men and women, who were languishing in its prisons because they disagreed with its policies and practices.

27. On the previous day, the United States of America had sponsored a panel discussion, held at United Nations Headquarters, at which six brave men and women had shared their stories of repression, persecution, imprisonment, torture and sacrifice. One panellist was the sister of a former political prisoner. Coincidentally, on the day of the panel, her brother had been told that he would be permitted to leave Cuba if he agreed never to return; he had refused to accept exile from his homeland. The Government of Cuba should respect its obligations under the aforementioned Covenant and Declaration by allowing him freely to leave and return to his own country.

28. His delegation shared the views expressed by over 60 Member States in a Declaration on Prisoners of Conscience (A/62/858), circulated on the occasion of the sixtieth anniversary of the Universal Declaration of Human Rights, which called on all nations to work for the freedom of such prisoners throughout the world.

29. **Mr. Gala López** (Cuba), speaking in exercise of the right of reply, said that the hateful, unfounded statements made by the representative of the United States of America were yet another example of the arrogance of a decadent superpower that sought imperial domination over the entire world. His delegation rejected every word of those lies and considered that the United States of America had no moral authority to judge the heroic Cuban people.

30. It was unacceptable that United Nations facilities were being used to carry out negative campaigns against Member States and to promote confrontation, distrust and hidden agendas directed against sovereign nations; the panel mentioned by the previous speaker had set a negative precedent for the proper functioning and credibility of the Organization. The United States of America was the worst violator of all human rights. It did not recognize the right to development, food or health or the rights of women and children, yet it sought to present itself as a great defender of so-called "prisoners of conscience" by falsely accusing countries that it tried to dominate in yet another attempt to hide its own abominable crimes.

31. The United States was trying to create a smokescreen in order to conceal the human rights violations that it was committing in Abu Ghraib and at its illegal Guantánamo Bay Naval Base, where hundreds of prisoners had been tortured and subjected to cruel, humiliating and inhuman treatment using reprehensible methods for the past five years and held in a legal limbo in violation of international law.

32. In the United States, five Cuban counter-terrorism fighters were being subjected to a lengthy period of cruel and unjust imprisonment following a politicized trial and its Government defended asphyxia as a legitimate method for extracting confessions. The Bush administration was responsible for illegally detaining hundreds of foreigners for years, allegedly in order to interrogate them about the criminal terrorist acts of 11 September 2001.

33. Instead of solving those problems, the United States had tried to portray common criminals who had

been prosecuted in Cuba for crimes such as forgery of documents, illegal possession of weapons and sabotage as former prisoners of conscience. The alleged "peaceful activist" had been involved in numerous acts of violence against civil servants and public order and had frequently received large sums of money from the United States authorities in payment for his crimes.

34. Recruiting, advising and providing financial and logistical support to mercenaries on Cuban soil in the service of United States policy had been key objectives in its anti-Cuban strategy. Washington had always sought to manipulate traitors and advocates of annexation in its pay in order to create the false perception of a battle among Cubans.

(b) Permanent Forum on Indigenous Issues *(continued)* (E/2008/43)

35. **The President** suggested that the Council should take note of the report of the Permanent Forum on Indigenous Issues on its seventh session (E/2008/43).

36. *It was so decided.*

United Nations research and training institutes *(continued)* (E/2008/L.37)

Draft resolution entitled "United Nations Institute for Training and Research" (E/2008/L.37)

37. **The President** said that the draft resolution had no programme budget implications.

38. *Draft resolution E/2008/L.37 was adopted.*

Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including Jerusalem, and the Arab population in the occupied Syrian Golan *(continued)* (E/2008/13; E/2008/L.26)

Draft resolution entitled "Economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the Occupied Palestinian Territory, including East Jerusalem, and the Arab population in the occupied Syrian Golan" (E/2008/L.26)

39. **The President** said that Indonesia, Malaysia and South Africa had become sponsors of the draft resolution, which, as orally revised, had no programme budget implications.

40. **Mr. Benfreha** (Algeria) proposed inserting, after the sixteenth preambular paragraph, a new paragraph, which would read, "*Emphasizing* the importance of the safety and well-being of all civilians, and calling for the cessation of all acts of violence, including all acts of terror, provocation, incitement, destruction, and all firing of rockets,". The twentieth preambular paragraph would be revised to read "*Recognizing* the efforts being undertaken by the Palestinian Authority, with international support, to rebuild, reform and strengthen its damaged institutions and promote good governance, and emphasizing the need to preserve the Palestinian institutions and infrastructure and to ameliorate economic and social conditions,". Lastly, the following words should be added at the end of paragraph 5: "and expresses deep concern at any actions which threaten the integrity of the border crossings and the distribution of fuel".

41. **Mr. Heidt** (United States of America), speaking in explanation of vote before the voting, said that his delegation would vote against the draft resolution because it was unbalanced, criticizing Israel while ignoring the targeting of civilians by Palestinian terrorists. The United States of America remained deeply concerned about the impact of the current humanitarian crisis on the entire Palestinian population and regretted that both Palestinian and Israeli civilians had lost their lives during the recent clashes in the Gaza Strip.

42. While he appreciated that the draft resolution highlighted the importance of promoting good governance, ensuring the safety and well-being of civilians and halting all acts of violence, it was inconsistent with the universalist values of the Council. Sensitive permanent status issues, such as those involving refugees, must be resolved through negotiations between the parties. The United States was committed to working with the Quartet and with regional States to move both parties forward towards President Bush's vision of two States, Israel and Palestine, living side by side in peace and security. The focus of the international community should be on helping both parties maintain progress towards that shared objective. One-sided resolutions only served to undermine the ability of the United Nations to play a constructive role in furthering peace.

43. *At the request of the representative of Algeria, a vote was taken by roll-call.*

44. *Cuba, having been drawn by lot by the President, was called upon to vote first.*

In favour:

Algeria, Angola, Austria, Barbados, Belarus, Benin, Bolivia, Brazil, Cape Verde, China, Congo, Cuba, Czech Republic, El Salvador, France, Greece, Guinea-Bissau, Guyana, Haiti, Iceland, Indonesia, Iraq, Kazakhstan, Liechtenstein, Luxembourg, Malawi, Malaysia, Mauritania, Moldova, Mozambique, Netherlands, New Zealand, Niger, Pakistan, Paraguay, Philippines, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Saint Lucia, Saudi Arabia, Somalia, Sri Lanka, Sudan, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay.

Against:

Canada, United States of America.

Abstaining:

Cameroon, Japan.

45. *Draft resolution E/2008/L.26, as orally revised, was adopted by 49 votes to 2, with 2 abstentions.*

46. **Ms. Hulan** (Canada) said that her delegation had voted against the resolution even though it strongly supported the Palestinian people and shared the concerns expressed about their difficult living conditions. While some positive changes had been made to the original text of the resolution, it remained one-sided in its criticism of Israel and still did not sufficiently reflect the responsibilities and obligations of the Palestinian Authority to secure the economic and social well-being of its people.

47. **Ms. Saito** (Japan) said that her delegation had abstained from voting on the resolution because the issues raised therein were political in nature and therefore not suited to debate by the Council. She also regretted that action had been taken without sufficient consultation with the entire membership and in contravention of the 24-hour rule. Adopting such a politically sensitive resolution without due process did not contribute to the goals of the Council and would not promote a long-lasting solution to the issue it was intended to address.

48. **Mr. Fluss** (Observer for Israel) said that Council resolutions should be non-political, focusing instead on issues of economic and social concern. The resolution dealt with the Israeli-Palestinian conflict in a biased manner and therefore should not have been considered by the Council. While a few new elements had been introduced at the current session, the text remained unbalanced and politically motivated.

49. Palestinians should have a thriving economy and further opportunities for growth and Israel was committed to facilitating the delivery of necessary humanitarian aid and supplies to the Gaza Strip, despite its growing lawlessness and instability. The terrorist attacks carried out by Palestinians against Israel were obstacles to the social and economic well-being of the Palestinian people. Israel was committed to the peace process and believed that bilateral negotiations were the only way forward. By seeking to assign blame, however, the resolution undermined that bilateral dialogue. Delegations who believed in the future of the peace process should not have supported it and, in the future, should refrain from supporting politically motivated draft resolutions at the Council's meetings.

50. **Mr. Ali** (Observer for the Syrian Arab Republic) said that the revised text of paragraph 17 of the resolution had been included hastily and his delegation had not been consulted about it during the negotiations. The paragraph placed Israel — the perpetrator — and the Palestinian people — the victims — on an equal footing. It was Israel that was occupying the Palestinian territories and was using tanks and aircraft against defenceless civilians, destroying their homes and carrying out State terrorism and war crimes in violation of international humanitarian law, the Fourth Geneva Convention and the relevant United Nations resolutions.

51. Since the international community and international law, embodied in the United Nations, had thus far been unable to ensure Israel's respect for the rights of the people of the occupied Palestinian territory and the occupied Syrian Golan, those people had the right, under international law, to resist occupation by all available means.

52. **Ms. Rasheed** (Observer for Palestine) thanked the delegations that had voted in favour of the resolution. The Palestinian people in the occupied territory had been forced to live under a brutal military occupation that imposed untold misery and suffering. After 41 years of occupation, she hoped that Israel would finally heed the calls by the international community, embodied in the draft resolution, to comply with international law by ending its occupation

and oppression of the Palestinian people and allowing them to live in their own independent State with East Jerusalem as its capital. Only then could her people develop and prosper.

53. Her delegation would continue to ask the United Nations, as a guardian of human rights, to pronounce on the issue until Israel ended its occupation of the occupied Palestinian territory, including East Jerusalem and the occupied Syrian Golan. She also called on Israel to take action against the Israeli settlers responsible for the recent injuries and deaths in the West Bank and to hold them accountable for their illegal actions.

54. **The President** said that if there was no objection, he would that it that the Council wished to take note of the Secretary-General's note on the economic and social repercussions of the Israeli occupation on the living conditions of the Palestinian people in the occupied Palestinian territory, including East Jerusalem, and of the Arab population in the occupied Syrian Golan (E/2008/13).

55. *It was so decided.*

Implementation of and follow-up to major United Nations conferences and summits *(continued)*

(b) Review and coordination of the implementation of the Programme of Action for the Least Developed Countries for the Decade 2001-2010 *(continued)*

*Draft resolution entitled "Review and coordination of the Programme of Action for the Least Developed Countries for the decade 2001-2010"**

56. **The President** said that the draft resolution, which had been circulated in English only without a symbol, had no programme budget implications.

57. **Ms. Houngbedji** (Benin) said that the draft resolution in its current form was only a rough draft; its adoption should be deferred.

58. **Mr. Matwang'a** (Kenya) read out drafting changes which had not been finalized because negotiations had finished late the previous night. He would nevertheless suggest adopting the text on the understanding that the Secretariat would finalize and issue it in the near future.

59. **The President** appealed to the Council to adopt the draft resolution in the knowledge that its content reflected the agreements reached, even if its formal appearance was far from habitual, and that the Secretariat could be relied on to finalize the document correctly. Given the intensity of the negotiations on its substance, it would be regrettable if its adoption were delayed until September 2008.

60. **Ms. Houngbedji** (Benin) said that despite the President's appeal, her delegation was unable to agree to adopt the draft resolution in its present form. Its operative paragraphs were in the wrong order and it did not have a document symbol. There had been difficulties in the past when documents had been adopted in an improper form, typically after long negotiations lasting deep into the night.

61. **The President** pointed out that regardless of the document's formal shortcomings, which arose from the multiple steps of the negotiations that had been pursued until the last possible moment, its substance had been agreed by consensus. Failure to adopt the draft resolution at the present session could be viewed as a lack of will on the part of the Council to deal with the important issue of assistance to the least developed countries.

62. **Mr. Khane** (Secretary of the Council) said that if the substance of the draft resolution were adopted immediately, it would be issued in the habitual form on Monday or, at the latest, Tuesday morning of the following week.

63. **Mr. Blake** (Observer for Antigua and Barbuda) speaking on behalf of the Group of 77 and China, said that for logistical reasons, it would not be desirable to delay adoption until September 2008. The Council would have to meet once more, that afternoon, to consider at least one other document with textual adjustments; he therefore proposed that the draft resolution should be reconsidered at that meeting. He paid tribute to all the delegations involved in the negotiations.

64. **Ms. Houngbedji** (Benin) said that that was exactly her point: before it could be adopted the draft resolution must be issued in a form that respected efforts made by all the members of the Council.

65. **The President** pointed out that in any event, it would not be possible to translate the document into

* Subsequently issued as document E/2008/L.38.

the other five official languages by the afternoon meeting.

66. **Mr. Alim** (Observer for Bangladesh) expressed support for the view put forward by the Observer for Antigua and Barbuda on behalf of the Group of 77 and China.

67. **The President** said that in light of the legitimate concerns of some members, the matter would be taken up again in the afternoon. The Council would then have before it a document in the proper format with an official document symbol, but available only in English.

The meeting rose at 11.57 a.m.